

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 14 SEP 2005

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Applicant's or agent's file reference <b>P27-051PCT</b>	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. <b>PCT/US04/09506</b>	International filing date (day/month/year) <b>26 March 2004 (26.03.2004)</b>	Priority date (day/month/year) <b>26 March 2003 (26.03.2003)</b>	
International Patent Classification (IPC) or national classification and IPC <b>IPC(7): C07C 229/00 and US Cl.: 560/9, 10, 15, 16, 19, 37, 38, 41, 47, 100, 103, 105,; 562/ 405, 426, 427, 422, 441, 442, 443, 490,</b>			
Applicant <b>PURDUE RESEARCH FOUNDATION</b>			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:

a. ☐ (sent to the applicant and to the International Bureau) a total of \_\_\_\_\_ sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) \_\_\_\_\_, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand

**30 September 2004 (30.09.2004)**

Date of completion of this report

**22 August 2005 (22.08.2005)**

Name and mailing address of the IPEA/ US

Mail Stop PCT, Attn: IPEA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

Karl J. Puttlitz

Telephone No. (571) 272-1600

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/09506

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ the international application as originally filed/furnished

☒ the description:

pages 1-55 as originally filed/furnished

pages\* NONE received by this Authority on \_\_\_\_\_

pages\* NONE received by this Authority on \_\_\_\_\_

☒ the claims:

pages 56-61 as originally filed/furnished

pages\* NONE as amended (together with any statement) under Article 19

pages\* NONE received by this Authority on \_\_\_\_\_

pages\* NONE received by this Authority on \_\_\_\_\_

☒ the drawings:

pages 1-7 as originally filed/furnished

pages\* NONE received by this Authority on \_\_\_\_\_

pages\* NONE received by this Authority on \_\_\_\_\_

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages \_\_\_\_\_

☐ the claims, Nos. \_\_\_\_\_

☐ the drawings, sheets/figs. \_\_\_\_\_

☐ the sequence listing (*specify*): \_\_\_\_\_

☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages \_\_\_\_\_

☐ the claims, Nos. \_\_\_\_\_

☐ the drawings, sheets/figs. \_\_\_\_\_

☐ the sequence listing (*specify*): \_\_\_\_\_

☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/US04/09506

## Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims 4, 5, 7, 8, 10-12, 15, 21 and 23-38	YES
	Claims <u>1-3, 6, 9, 13, 14, 16, 17, 18, 19, 20 and 22</u>	NO
Inventive Step (IS)	Claims <u>4, 5, 7, 8, 10-12, 15, 21 and 23-38</u>	YES
	Claims <u>1-3, 6, 9, 13, 14, 16, 17, 18, 19, 20 and 22</u>	NO
Industrial Applicability (IA)	Claims <u>1-38</u>	YES
	Claims <u>NONE</u>	NO

### 2. Citations and Explanations (Rule 70.7)

Claims 1-3, 6, 9, 13, 14, 16, 17, 18, 19, 20 and 22 lack novelty under PCT Article 33(2) as being anticipated by Gibbs et al. This reference teaches compound registry no. 148101-36-4P, which anticipates the compounds of the rejected claims.

Claims 1-3, 6, 9, 13, 14, 16, 17, 18, 19, 20 and 22 lack novelty under PCT Article 33(2) as being anticipated by Ma et al. This reference teaches compound registry nos. 147263-95-4P and 156743-28-1P, which anticipate the compounds of the rejected claims.

Claims 1-3, 6, 9, 13, 14, 16, 17, 18, 19, 20 and 22 lack novelty under PCT Article 33(2) as being anticipated by Xu et al. This reference teaches compound registry nos. 147263-95-4P, which anticipates the compounds of the rejected claims.

Claims 4, 5, 7, 8, 10-12, 15, 21 and 23-38 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the compounds and methods covered by these claims.

Claims 1-38 the criteria set out in PCT Article 33(4), and thus claims 1-38 have industrial applicability because the subject matter claimed can be made or used in industry, such as therapeutic agents.